

# United States District Court

**SOUTHERN**

DISTRICT OF  
McALLEN DIVISION

**TEXAS**

**UNITED STATES OF AMERICA**

**V.**

**Francisco Madrigal**  
**A208 169 687**  
**United States Citizen**

**YOB:**

**PRINCIPAL**  
**1977**

United States District Court  
Southern District of Texas  
**FILED**

**MAY 24 2015**

**CRIMINAL COMPLAINT**

**Case Number:**

**M-15- 835 -M**

(Name and Address of Defendant)

**Clerk of Court**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 22, 2015 in Brooks County, in the Southern District of Texas defendants(s) did,

(Track Statutory Language of Offense)

**CT. 1 knowing or in reckless disregard of the fact Juan Chicas, a national of Honduras, along with one (1) other undocumented alien, for a total of two (2), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Pharr, Texas to the point of arrest near Encino, Texas,**

**CT. 2 knowing or in reckless disregard of the fact that Hector Javier Duran-Romero a national of Honduras, along with one (3) other undocumented alien, for a total of four (4), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempted to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,**

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) **FELONY**  
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On May 22, 2015, at approximately 9:00 p.m., Border Patrol Agents Julien James and Edgar Garcia were stationary on Highway 281, south of Encino, Texas. They observed a gray Chrysler Sebring pass their location, which to them, appeared to be traveling at a higher than normal rate of speed, and also appeared to be riding low in the rear of the vehicle. The agents attempted to follow in behind the vehicle to have a better look, but the Sebring took the Business Highway 281 exit and stopped alongside the road before agents were able to catch up. From a distance, agents could see the vehicle's brake lights illuminated, which helped them see that the doors were open on the vehicle.

**SEE ATTACHED**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

May 24, 2015

Date

at McAllen, Texas  
City and State

Dorina Ramos, U. S. Magistrate Judge  
Name and Title of Judicial Officer

J. Ibarra Senior Patrol Agent  
Printed Name of Complainant

Dorina Ramos  
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
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**CONTINUATION:**

Agents requested Aerostat's assistance. Aerostat told agents that several people were in fact running away from the vehicle into the adjacent brush. After agents caught up to the vehicle, which had not moved, they exited their vehicle and made contact with the driver. The driver, later identified as Francisco MADRIGAL (USC), immediately told agents he was lost.

Other agents were able to locate 2 people hiding in the brush. Both subjects admitted to being illegally in the United States. MADRIGAL and the 2 undocumented aliens, were transported to the Falfurrias Border Patrol Station for processing.

During the search of the vehicle MADRIGAL was driving, agents found a business card and 3 electronic door keys to the Pharr Plaza Hotel. After being Mirandized, MADRIGAL admitted in a sworn statement that he had rented room 120 at that hotel and there could possibly be more illegal aliens there. This information was passed along to intelligence agents, who, along with HSI, went to the Pharr Plaza Hotel to investigate.

At the hotel, agents spoke to the hotel manager who provided a copy of MADRIGAL'S temporary Texas ID card, and stated MADRIGAL had rented room 120 from May 17, 2015 to May 23, 2015. HSI and Border Patrol Agents knocked on the door of room 120. A man opened the door and gave agents consent to enter. Inside, agents found two undocumented aliens, and one juvenile USC.

All three subjects from the hotel were transported to the Weslaco Border Patrol Station for processing.

J.G.M., the juvenile found in the hotel room, was not charged.

**PRINCIPAL'S STATEMENT:**

MADRIGAL was read his rights. He agreed to provide a statement without the presence of an attorney.

MADRIGAL initially stated that he picked up four people who waved him down for a ride. He did state he was aware it is illegal to transport illegal aliens, and he was not going to be paid to transport them. When confronted about the money gram receipts found in his car, MADRIGAL stated his wife was providing for his expenses by sending him money grams. Agents then asked about the hotel keys found in his car, and he stated he rented a hotel for his friend, J.G.M. (the juvenile who was not charged).

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MADRIGAL first stated he lived at 7200 San Pedro St in Pharr, Texas, and then told agents he had changed his mind, and actually lives in the hotel.

At this point, MADRIGAL told agent he would now start telling the truth. According to MADRIGAL, he is not employed, but decided to take it upon himself to assist some illegal aliens to travel north. He stated he met the illegal aliens at Wal-Mart, and rented a hotel for them. He then tried to solicit money from friends and family to assist these people who he has never met. He rented a hotel for them and fed them. He stated his wife in Georgia, and friends from El Paso and Virginia, all helped fund the illegal aliens' trip north. After an unsuccessful attempt to find someone to transport the people north, he decided to do it himself. According to MADRIGAL, he has received approximately \$3,000 so far this year from friends to smuggle illegal aliens.

**NOTE:** MADRIGAL has been the principal in three prior administrative smuggling cases. (2006, 2012, and 2014)

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**MATERIAL WITNESSES' STATEMENTS:**

Both material witnesses were read their rights. Both stated they understood and were willing to provide statements without the presence of an attorney.

1- Juan Chicas, a citizen of Honduras, claimed he initially travelled to Mexico on his own. Once in Reynosa, he was able to track down a guide who was able to take him across the Rio Grande River. After illegally crossing the river, Chicas and the other man he was travelling with walked to a road where a man driving a truck saw them. The man driving the truck (MADRIGAL) drove past them and then pulled over to talk to them. MADRIGAL wanted to charge them for a ride, so Chicas called his brother to see if he could send money to pay the him. MADRIGAL agreed, and told the two travelers to board the truck and also to hide. MADRIGAL then drove them to a hotel and told them not to leave the room.

Chicas stayed in the room for three days. On all three days MADRIGAL brought food and water to the hotel room. On his last day at the hotel, Chicas stated that MADRIGAL arrived and told he and three others to board a gray car. MADRIGAL told the people he was going to take them to Houston. According to Chicas, four people boarded the car, and MADRIGAL left two other illegal aliens inside the hotel room. After leaving the hotel room, MADRIGAL drove for approximately 30 minutes and told the passengers in his car that he would drop them off on south side of the checkpoint and pick them up again on the north side of the checkpoint. Chicas identified MADRIGAL in a photo lineup as the man who harbored him at the hotel and as the man who was attempting to smuggle him to Houston.

2- Hector Javier Duran-Romero, a citizen of Honduras, stated he was charged to be smuggled to Houston, Texas. After illegally crossing the Rio Grande River, Duran was taken to a house where MADRIGAL arrived and picked him up. MADRIGAL then transported Duran to the hotel where he was apprehended by Border Patrol. According to Duran, MADRIGAL fed the people staying there and informed them when they would be leaving. Two days after Duran arrived at the hotel, DURAN arrived and told four of the six people staying there to board a gray vehicle. He told Duran and the other smuggled alien who remained in the room that they would also be smuggled north on that day. MADRIGAL then left the room with the four smuggled aliens, and that was the last time Duran saw him. Duran identified MADRIGAL as the caretaker of the smuggled aliens and the driver that was taking them north.